

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 CURTIS L. DOWNING,

Case No. 2:22-cv-01317-APG-DJA

4 Plaintiff,

ORDER

5 v.

6 CHARLES DANIELS, et al.,

7 Defendants.

8 Plaintiff Curtis L. Downing, who is incarcerated in the custody of the Nevada
9 Department of Corrections (NDOC), initiated this case with a civil rights complaint under 42
10 U.S.C. § 1983 and an application to proceed in forma pauperis. ECF Nos 1, 1-1. Downing has
11 now filed a motion for voluntary dismissal. ECF No. 3.


12 Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without
13 a court order by filing “a notice of dismissal before the opposing party serves either an answer or
14 a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). This case has been at a
15 prescreening stage, and the complaint has not yet been served on the defendants. Because no
16 responsive pleading has been filed, I grant Downing’s motion to voluntarily dismiss this action.

17 I therefore order that the motion for voluntary dismissal (**ECF No. 3**) is **granted**. This
18 action is dismissed without prejudice.

19 I further order that Downing’s application to proceed *in forma pauperis* (**ECF No. 1**) is
20 **denied as moot**.

21 I further order the Clerk of the Court to close this case.

22 Dated: March 20, 2023

23 
U.S. District Judge